

Docket No.: 04-02 US

REMARKS**STATUS SUMMARY**

Claims 44-63 are pending in the present Application. Claims 44-63 are rejected by the Examiner. In this Amendment, Applicant has canceled claims 55-63; amended claims 44, 46, 48, and 52-54; and added new claims 64-73.

Claim Rejections – 35 U.S.C. § 102

Claims 44-63 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shah et al. (U.S. Patent No. 3,801,280). Claims 44-46 and 49-63 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zuellig et al. (U.S. Patent No. 6,126,904).

Applicant respectfully maintains traversal of these rejections in view of Applicant's prior replies submitted during prosecution of the present application. However, Applicant has now amended the pending claims to recite an "implantable medical device" instead of a "sample carrier." In addition, Applicant has added claims 64-73, which are similar to the amended pending claims but recite a "dosage form." The specification supports these amendments and additions, and accordingly no new matter has been added.

The invention, as claimed, teaches for the first time a means whereby an implantable medical device or a dosage form can be supported within a container and driven into motion within the container without any contact with the driving source utilized to effect the actuation. The prior art of record fails to teach or render obvious the claimed invention. In particular, as previously noted, Shah et al. is an example of adapting a magnetic stir bar to function as a cylindrical filter screen. Zuellig et al. is representative of known magnetic agitating elements, such as magnetic stir bars and beads. None of these references teaches or suggests Applicant's claimed invention in terms of either structure or function.

In view of the foregoing, Applicant respectfully submits that amended claims 44 – 54 and new claims 64-73 are patentable over all prior art of record, and therefore respectfully requests favorable reconsideration and allowance of claims 44-54 and 64-73.

Docket No.: 04-02 US

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

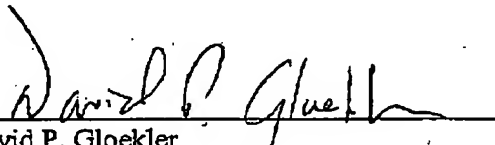
If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters.

Respectfully submitted,
THE ECLIPSE GROUP LLP

Date:

11/6/07

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